
SENATE BILL 5756

State of Washington

57th Legislature

2001 Regular Session

By Senators Jacobsen, Patterson, Horn, Prentice, Finkbeiner, McAuliffe, McDonald, Haugen, Franklin, Kohl-Welles and Carlson; by request of The Blue Ribbon Commission on Transportation

Read first time 02/01/2001. Referred to Committee on Transportation.

1 AN ACT Relating to regional transportation governance; amending RCW
2 47.80.020 and 47.80.023; adding a new chapter to Title 36 RCW;
3 providing an effective date; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the citizens
6 of Washington are becoming ever more dependent on transportation
7 services to maintain the economic health of the state and their
8 personal standard of living. Rapid growth in population and increasing
9 vehicle miles traveled have placed increased pressure on the capacity
10 of our transportation system. Growing highway congestion, the delay in
11 goods movement, deteriorating infrastructure, and the decline in
12 attractive travel alternatives demonstrate the need for new and
13 innovative methods to address this state's transportation needs.

14 The legislature finds that many transportation decisions are best
15 made at the regional level, where transportation problems are most
16 paramount. While the numerous local agencies entrusted with planning,
17 building, and maintaining our transportation infrastructure and
18 providing transportation services have each done their part to improve
19 mobility, an overall approach to better coordinate and fund regional

1 investments and services would provide better services and more cost-
2 effective transportation solutions.

3 The legislature further finds that the consolidation of the process
4 for planning and prioritizing transportation projects will result in
5 the identification and selection of projects and services that will
6 result in the greatest relief for traffic congestion, faster delivery
7 times for transportation efforts, and reduced costs for transportation
8 infrastructure and services.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires otherwise.

11 (1) "Local agencies" include counties, cities, local or road
12 improvement districts, public transit agencies, ports, or other
13 municipal corporations within a transportation region that are
14 authorized to plan for, program, and fund the acquisition, improvement,
15 construction, or operation of regional transportation facilities and
16 services.

17 (2) "Regional transportation board" means the governing authority
18 of a transportation region.

19 (3) "Regionally significant transportation facilities or services"
20 means those transportation facilities or services that primarily
21 address: (a) Regional mobility and congestion relief and (b) travel
22 demand between jurisdictions within a region of the state, as compared
23 to interregional or local travel. "Regionally significant
24 transportation facilities" include regional highways, local principal
25 arterials, bicycle-pedestrian facilities connecting jurisdictions,
26 transportation demand management programs, and transit facilities and
27 services connecting jurisdictions.

28 (4) "Transportation region" means an area including one or more
29 counties that is designated as a transportation region by the county
30 legislative authority of each county included in the region.

31 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
32 this section, the legislative authority of any county may, by
33 resolution, establish a transportation region to implement the
34 legislative intent of this chapter. The boundaries of the region must
35 be the same as those of the county, except as provided in subsection
36 (2) of this section.

1 (2) If a contiguous urbanized area is required to have a
2 metropolitan planning organization designated by the state under 23
3 U.S.C. 450 to qualify for federal transportation funding, and is
4 located in two or more counties, those counties may establish a single
5 transportation region. The region must include the entire area of the
6 participating counties, except that a county need not be a member if
7 that county and at least two other member counties of the metropolitan
8 planning organization agree that the county need not be included in the
9 transportation region.

10 NEW SECTION. **Sec. 4.** (1) If a county legislative authority
11 proposes to establish a transportation region it shall call for a
12 conference. An elected representative from each city within the county
13 and one elected official from the county legislative authority must
14 attend the conference. The county shall appoint a representative. The
15 county legislative authority calling the conference shall also invite
16 a local elected official from any public transportation and high-
17 capacity transportation agencies providing service within the county,
18 an elected representative from a port providing service within the
19 county, and a representative of the department of transportation. The
20 conference is for the purpose of evaluating the need for and the
21 desirability of creating a transportation region. In those counties
22 where the metropolitan region extends beyond one county, or upon a
23 finding by more than one legislative authority of an abutting county
24 that a multicounty transportation region may be desirable, a
25 multicounty conference must be convened according to the process set
26 forth in section 5 of this act.

27 (2) After the conference, the county legislative authority shall
28 conduct at least one public hearing. The time and place of the hearing
29 must be specified in a notice published at least once in a newspaper of
30 general circulation within the proposed region, not less than ten days
31 before the hearing. This notice is in addition to any other notice
32 required by law to be published. The notice must specify the functions
33 or activities proposed to be provided or funded by the region.
34 Additional notice of the hearing may be given by mail, posting within
35 the proposed region, or in any manner the county legislative authority
36 deems necessary to notify affected persons. All hearings must be
37 public, and the county legislative authority, and other elected
38 officials who attended the conference, shall conduct and attend the

1 public hearing to seek comment from any person affected by the
2 formation of the region.

3 (3) After the conference under subsection (1) of this section and
4 the hearing held under subsection (2) of this section, the county
5 legislative authority may establish a transportation region if: (a)
6 The county legislative authority finds the action to be in the public
7 interest; (b) it adopts an ordinance or resolution providing for the
8 establishment of the region; (c) sixty percent of the cities within the
9 region representing a minimum of seventy-five percent of the cities'
10 and towns' population, by action of the cities' and towns' legislative
11 authorities, approve formation of the region; and (d) the governor
12 approves the formation.

13 (4) The process for forming a transportation region under this
14 section may be terminated at any time before the county legislative
15 authority establishes a transportation region upon the filing with the
16 county auditor of a verified declaration of termination signed by a
17 majority of the registered voters of the county.

18 (5) The legislation establishing a transportation region must
19 specify the form of governance for the region, as provided in section
20 6 of this act, and the functions or activities to be exercised or
21 funded.

22 (6) The governing body of a transportation region may expand or
23 otherwise modify the functions of, or dissolve the transportation
24 region, after providing notice and conducting a public hearing or
25 hearings in the manner provided in subsection (2) of this section. In
26 order for this action to be effective:

27 (a) The county legislative authority must find the action to be in
28 the public interest;

29 (b) Sixty percent of the cities within the region representing a
30 minimum of seventy-five percent of the cities' and towns' population,
31 by action of the cities' and towns' legislative authorities, must
32 approve the action;

33 (c) The governing body must adopt a resolution providing for the
34 action; and

35 (d) The governor must approve the action.

36 NEW SECTION. **Sec. 5.** (1) If two or more counties propose to
37 establish a transportation region, they shall call for a joint
38 conference. An elected representative from each city within each

1 county and one elected official from the county legislative authority
2 of each county must attend the conference. The county legislative
3 authorities calling the conference shall also invite a local elected
4 official from any public transportation and high-capacity
5 transportation agency providing service within the counties, an elected
6 representative from a port providing service within each of the
7 counties, and a representative of the department of transportation.
8 The conference is for the purpose of evaluating the need for and the
9 desirability of creation of a transportation region.

10 (2) After the conference, each county legislative authority shall
11 conduct at least one public hearing within its county. The time and
12 place of the hearing must be specified in a notice published at least
13 once in a newspaper of general circulation within the proposed region,
14 not less than ten days before the hearing. This notice is in addition
15 to any other notice required by law to be published. The notice must
16 specify the functions or activities proposed to be provided or funded
17 by the region. Additional notice of the hearing may be given by mail,
18 posting within the proposed region, or in any manner the county
19 legislative authority deems necessary to notify affected persons. All
20 hearings must be public, and the county legislative authority and other
21 elected officials from that county who attended the conference shall
22 conduct and attend the public hearing to seek comment from any person
23 affected by the formation of the region.

24 (3) After the conference under subsection (1) of this section and
25 the hearing held under subsection (2) of this section, the county
26 legislative authority may establish a transportation region if: (a)
27 The county legislative authority of each county finds the action to be
28 in the public interest; (b) each county adopts an ordinance or
29 resolution providing for the establishment of the region; (c) sixty
30 percent of the cities within the region representing a minimum of
31 seventy-five percent of the cities' and towns' population, by action of
32 the cities' and towns' legislative authorities, approve formation of
33 the region; and (d) the governor approves the formation.

34 (4) The process for including a county in the formation of a
35 transportation region under this section may be terminated at any time
36 before the county legislative authority establishes that county as a
37 part of a transportation region upon the filing of a verified
38 declaration of termination signed by a majority of the registered
39 voters of the county.

1 (5) The legislation establishing a transportation region must
2 specify the form of governance for the region, as provided in section
3 6 of this act, and the functions or activities to be exercised or
4 funded.

5 (6) The governing body of a transportation region may expand or
6 otherwise modify the functions of, or dissolve the transportation
7 region, after providing notice and conducting a public hearing or
8 hearings in the manner provided in subsection (2) of this section. In
9 order for this action to be effective:

10 (a) The county legislative authority of each county must find the
11 action to be in the public interest;

12 (b) Sixty percent of the cities within the region representing a
13 minimum of seventy-five percent of the cities' and towns' population,
14 by action of the cities' and towns' legislative authorities, must
15 approve the action;

16 (c) The governing body must adopt a resolution providing for the
17 action; and

18 (d) The governor must approve the action.

19 NEW SECTION. **Sec. 6.** If a transportation region is to be
20 established, the county legislative authority shall select the form of
21 governance for the transportation region, which may be one of the two
22 following alternatives:

23 (1) A directly elected governing body, which may be the county
24 legislative authority acting ex officio and independently, and subject
25 to the requirements of section 7 of this act, or an independently
26 elected body, as recommended by the conference provided for in section
27 4 of this act. If the transportation region is more than one county,
28 the governing body must consist of a directly elected body representing
29 each county, which for each county may be the county legislative
30 authority acting ex officio and independently, with votes weighted
31 according to each county's population as a proportion of the entire
32 transportation region, or an independently elected body representing
33 the multicounty transportation region; or

34 (2) An appointed governing body made up of elected officials from
35 cities, members of governing bodies of public transportation and high-
36 capacity transportation systems providing service within the county,
37 elected officials from each member county, and a representative from
38 the department of transportation, appointed by the secretary of

1 transportation. The county executive shall make all other appointments
2 to the regional governing body, and if the county does not have an
3 elected county executive, the county legislative authority shall make
4 the appointments. If the transportation region is more than one
5 county, the respective appointing authorities from each county shall
6 make the appointments of local elected officials. Representatives must
7 be roughly proportionate to population and reflect the relative
8 population of incorporated and unincorporated areas of the region.
9 Representatives from public ports may also be included, as may others
10 as deemed appropriate by the appointing authority.

11 NEW SECTION. **Sec. 7.** If the county legislative authority, acting
12 ex officio and independently, is to act as the governing body for a
13 transportation district, a council must be created. The conference
14 provided for in section 4 of this act must specify the number and type
15 of appointments to the council. However, the council must include
16 elected officials from cities, members of governing bodies of public
17 transportation and high-capacity transportation providers within the
18 county, elected officials from each member county, and a representative
19 from the state department of transportation. Representatives from
20 public ports may also be included, as may others as deemed appropriate
21 by the conference.

22 The council shall prioritize the use of designated funds for the
23 transportation region for expenditure on regionally significant
24 transportation facilities and services. The county legislative
25 authority, acting as an ex officio governing authority for the
26 transportation district, may only approve or disapprove, in its
27 entirety, the funding for the list of projects and services recommended
28 by the council.

29 NEW SECTION. **Sec. 8.** (1) The transportation region shall
30 prioritize the use of designated funds for expenditure on regionally
31 significant transportation facilities and services. These funds
32 include federal funds authorized by federal law and state agreement,
33 state funds authorized by state law, and revenues from regionally
34 imposed tax sources.

35 (2) The region shall develop criteria for project selection. These
36 criteria must be based upon appropriate transportation improvement
37 benchmarks governing congestion relief, safety, mobility, and freight

1 mobility. The region shall select projects that maximize the
2 attainment of these state transportation improvement benchmarks, and
3 shall measure performance toward achievement of the benchmarks.

4 (3) The region shall develop, or cause to be developed, through
5 contract with local agencies or the state department of transportation,
6 new, or improvements to, regionally significant transportation
7 facilities and services.

8 NEW SECTION. **Sec. 9.** A transportation region may assume the
9 responsibilities of a metropolitan planning organization or regional
10 transportation planning organization within its boundaries. If those
11 responsibilities are assumed, the region shall:

12 (1) Prepare and periodically update a transportation strategy for
13 the region. The strategy must address alternative transportation modes
14 and transportation demand management measures in regional corridors and
15 recommend preferred transportation policies to implement adopted growth
16 strategies. The strategy will serve as a guide in preparing the
17 regional transportation plan;

18 (2) Prepare a regional transportation plan as set forth in RCW
19 47.80.030 that is consistent with countywide planning policies adopted
20 under chapter 36.70A RCW, with county, city, and town comprehensive
21 plans, and state transportation plans;

22 (3) Certify that the transportation elements of comprehensive plans
23 adopted by counties, cities, and towns within the region reflect the
24 guidelines and principles developed under RCW 47.80.026, are consistent
25 with the adopted regional transportation plan, and, where appropriate,
26 conform with the requirements of RCW 36.70A.070;

27 (4) Where appropriate, certify that countywide planning policies
28 adopted under RCW 36.70A.210 and the adopted regional transportation
29 plan are consistent;

30 (5) Develop, in cooperation with the department of transportation,
31 operators of public transportation services, and local governments
32 within the region, a six-year regional transportation improvement
33 program that proposes regionally significant transportation projects
34 and programs and transportation demand management measures. The
35 regional transportation improvement program must be based on the
36 programs, projects, and transportation demand management measures of
37 regional significance as identified by the transportation region, with
38 the assistance of transit agencies, cities, counties, and the state

1 under RCW 35.58.2795, 35.77.010, and 36.81.121, and chapter 47.05 RCW
2 respectively. The program must include a priority list of projects and
3 programs, project segments and programs, transportation demand
4 management measures, and a specific financial plan that demonstrates
5 how the transportation improvement program, and specifically,
6 regionally significant transportation facilities and services, can be
7 funded. The region shall update the program upon assumption of the
8 planning duties of a regional transportation planning organization and
9 at least every two years for the ensuing six-year period;

10 (6) Be, or designate, a lead planning agency to coordinate
11 preparation of the regional transportation plan and carry out the other
12 responsibilities of the organization. The lead planning agency may be
13 a regional organization, a component county, city, or town agency, or
14 the appropriate department of transportation regional office;

15 (7) Review level of service methodologies used by cities and
16 counties planning under chapter 36.70A RCW to promote a consistent
17 regional evaluation of transportation facilities and corridors; and

18 (8) Work with cities, counties, transit agencies, the department of
19 transportation, and others to develop level of service standards or
20 alternative transportation performance measures.

21 The region shall use those transportation plans existing as of the
22 date of assumption of its planning duties until the region updates
23 those plans.

24 NEW SECTION. **Sec. 10.** A transportation region is a body corporate
25 and possesses all the usual powers of a corporation for public purposes
26 as well as all other powers that may now or hereafter be specifically
27 conferred by statute, including, but not limited to, the authority to
28 hire employees, staff, and services, to enter into contracts, to
29 acquire, hold, and dispose of real and personal property, and to sue
30 and be sued. All projects constructed by a transportation region under
31 this chapter must be competitively bid and contracted.

32 NEW SECTION. **Sec. 11.** Notwithstanding RCW 39.36.020(1), a
33 transportation region may at any time contract indebtedness or borrow
34 money for the region's purposes and may issue general obligation bonds
35 in an amount not exceeding, together with any existing indebtedness of
36 the region not authorized by the voters, one and one-half percent of
37 the value of the taxable property within the boundaries of the region;

1 and with the assent of three-fifths of the region's voters voting at an
2 election called for that purpose, may contract indebtedness or borrow
3 money for the region's purposes and may issue general obligation bonds
4 therefor, as long as the total indebtedness of the region does not
5 exceed five percent of the value of the taxable property in it. The
6 bonds must be issued and sold in accordance with chapter 39.46 RCW.

7 The term "value of the taxable property" has the meaning set forth
8 in RCW 39.36.015.

9 NEW SECTION. **Sec. 12.** (1) A transportation region may issue
10 revenue bonds to provide funds to carry out its authorized functions
11 without submitting the matter to the voters of the region. The region
12 shall create a special fund or funds for the sole purpose of paying the
13 principal of and interest on the bonds of each such issue, into which
14 fund or funds the region may obligate itself to pay such amounts of the
15 gross revenue of the regionally significant transportation facilities
16 or services constructed, acquired, improved, added to, or repaired out
17 of the proceeds of sale of the bonds, as the region determines and may
18 obligate the region to pay such amounts out of otherwise unpledged
19 revenue that may be derived from the ownership, use, or operation of
20 properties or facilities owned, used, or operated incident to the
21 performance of the authorized function for which the bonds are issued
22 or out of otherwise unpledged fees, tolls, charges, tariffs, fares,
23 rentals, special taxes, or other sources of payment lawfully authorized
24 for that purpose, as the region determines. The principal of, and
25 interest on, the bonds is payable only out of the special fund or
26 funds, and the owners of the bonds have a lien and charge against the
27 gross revenue of fees, tolls, charges, tariffs, fares, special taxes,
28 or other authorized sources pledged to the payment of the bonds. The
29 revenue bonds issued against the fund or funds and the interest on the
30 bonds is a valid claim of the bondowners only as against the fund or
31 funds and the revenue pledged therefor, and is not a general
32 indebtedness of the region.

33 (2) Notwithstanding subsection (1) of this section, the bonds may
34 be issued and sold in accordance with chapter 39.46 RCW.

35 NEW SECTION. **Sec. 13.** A transportation region may accept and
36 expend or use gifts, grants, and donations.

1 NEW SECTION. **Sec. 14.** A transportation region may exercise the
2 power of eminent domain within its boundaries to obtain property for
3 its authorized purposes in the manner cities exercise the powers of
4 eminent domain under chapter 8.12 RCW.

5 NEW SECTION. **Sec. 15.** If a transportation region is formed, there
6 must be created in the office of the county treasurer, as ex officio
7 treasurer of the transportation region, a transportation region fund.
8 The fund must have such accounts as the treasurer may find convenient
9 or as the state auditor or the governing body of the transportation
10 region may direct. The region shall deposit all revenues received by
11 or on behalf of the transportation region from tax levies, gifts,
12 donations, and any other source into the transportation region fund.

13 NEW SECTION. **Sec. 16.** The rule of strict construction does not
14 apply to this chapter, and this chapter must be liberally construed to
15 permit the accomplishment of its purposes.

16 **Sec. 17.** RCW 47.80.020 and 1990 1st ex.s. c 17 s 54 are each
17 amended to read as follows:

18 The legislature hereby authorizes creation of regional
19 transportation planning organizations within the state. Each regional
20 transportation planning organization shall be formed through the
21 voluntary association of local governments within a county, or within
22 geographically contiguous counties. Each organization shall:

- 23 (1) Encompass at least one complete county;
24 (2) Have a population of at least one hundred thousand, or contain
25 a minimum of three counties, except that the minimum number of counties
26 will be reduced by the number of counties that withdraw to form a
27 transportation region authorized in section 3 of this act; and

28 (3) Have as members all counties within the region, and at least
29 sixty percent of the cities and towns within the region representing a
30 minimum of seventy-five percent of the cities' and towns' population.

31 The state department of transportation must verify that each
32 regional transportation planning organization conforms with the
33 requirements of this section.

34 In urbanized areas, the regional transportation planning
35 organization is the same as the metropolitan planning organization
36 designated for federal transportation planning purposes.

1 **Sec. 18.** RCW 47.80.023 and 1998 c 171 s 8 are each amended to read
2 as follows:

3 Each regional transportation planning organization shall have the
4 following duties:

5 (1) Prepare and periodically update a transportation strategy for
6 the region. The strategy shall address alternative transportation
7 modes and transportation demand management measures in regional
8 corridors and shall recommend preferred transportation policies to
9 implement adopted growth strategies. The strategy shall serve as a
10 guide in preparation of the regional transportation plan.

11 (2) Prepare a regional transportation plan as set forth in RCW
12 47.80.030 that is consistent with countywide planning policies if such
13 have been adopted pursuant to chapter 36.70A RCW, with county, city,
14 and town comprehensive plans, and state transportation plans.

15 (3) Certify by December 31, 1996, that the transportation elements
16 of comprehensive plans adopted by counties, cities, and towns within
17 the region reflect the guidelines and principles developed pursuant to
18 RCW 47.80.026, are consistent with the adopted regional transportation
19 plan, and, where appropriate, conform with the requirements of RCW
20 36.70A.070.

21 (4) Where appropriate, certify that countywide planning policies
22 adopted under RCW 36.70A.210 and the adopted regional transportation
23 plan are consistent.

24 (5) Develop, in cooperation with the department of transportation,
25 operators of public transportation services and local governments
26 within the region, a six-year regional transportation improvement
27 program which proposes regionally significant transportation projects
28 and programs and transportation demand management measures. The
29 regional transportation improvement program shall be based on the
30 programs, projects, and transportation demand management measures of
31 regional significance as identified by transit agencies, cities, and
32 counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121,
33 respectively. The program shall include a priority list of projects
34 and programs, project segments and programs, transportation demand
35 management measures, and a specific financial plan that demonstrates
36 how the transportation improvement program can be funded. The program
37 shall be updated at least every two years for the ensuing six-year
38 period.

1 (6) Designate a lead planning agency to coordinate preparation of
2 the regional transportation plan and carry out the other
3 responsibilities of the organization. The lead planning agency may be
4 a regional organization, a component county, city, or town agency, or
5 the appropriate Washington state department of transportation district
6 office.

7 (7) Review level of service methodologies used by cities and
8 counties planning under chapter 36.70A RCW to promote a consistent
9 regional evaluation of transportation facilities and corridors.

10 (8) Work with cities, counties, transit agencies, the department of
11 transportation, transportation regions authorized in section 3 of this
12 act, and others to develop level of service standards or alternative
13 transportation performance measures.

14 NEW SECTION. **Sec. 19.** Sections 1 through 16 of this act
15 constitute a new chapter in Title 36 RCW.

16 NEW SECTION. **Sec. 20.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 July 1, 2001.

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